GOVERNMENT OF MADRAS.

Old Sects. II-28, New Sects. II-16—
71,006—28-1-55.

Agn (1955) Department.

~~Endorsement~~
~~D.O.~~
~~Memorandum~~
~~Lodged~~

No. 5052 Cu1/55-2

Dated 29. 3. 1955.

FURTHER PAPERS.

Department.	Number.	Series.	Date.
Gazetted officers — Forest — Dept — Sri. E. Jacob Asst — Conservator of Forests — Refixing of Seniority			

37611 Cno. 27266/54 M.

37611/54-A3
2 DEC 1954

From

Sri. Ebenezer Jacob,

Assistant Conservator Of Forests,

South Kanara Division, Mangalore.

To

The Chief Secretary,

Government Of Madras, Madras

OFFICE OF THE CHIEF CONSERVATOR OF FORESTS
29 DEC 1954
MADRAS-5

Through

The Proper Channel.

DISTRICT FOREST OFFICE
16 DEC 1954
SOUTH KANARA

Sir,

Ref: Gazetted Officers--Forest Department--Refixation of Seniority--Requested.

1. I beg leave to bring the following few lines for favour of kind and sympathetic consideration and orders.

2. I am working as Assistant Conservator Of Forests from August 1950 having been promoted from the Ranger's cadre. Along with me, nine other Rangers were also selected by the Madras Services Commission in the year 1946.

3. The Special Rules for the Madras Forest Service (Amendment to Section 12 of Part III--A. of the Special Rules in Volume II of the Madras Service Manual, 1942, rules 4 and 7) communicated in Chief Conservator's Ref. No. 7675/43.B1. dated 10.1.1945, clearly state that on and from 4.5.1946 no person shall be eligible for appointment by transfer to Assistant Conservator's cadre unless he has passed the Account Test for Executive Officers except in respect of those who have attained the age of 45 years on or before the date referred to i.e., 4.5.1946. There is also another condition in the table below Rule 7,1 (c) of the Government order referred to above, that the Probationary Assistant Conservator of Forests recruited on transfer should also pass the Departmental tests in 1. Forest Law 2. Forest Revenue and

3. Office Procedure and Accounts.

4. Contrary to the above service conditions, Sri F.B.Sunders and Sri. M.D'Souza were promoted as Assistant Conservator of Forests in 1947 eventhough they had not passed 1 The Accountant Test for Executive Officers and 2. Forest Revenue justifying their promotion in spite of the fact that there were other Rangers who had the required qualifications and who had also been selected for promotion as Assistant Conservators and were also "Approved Candidates" as per Rule 2 (2) of G. No. 2687, Public (Services) dated the 28th. September '53. Besides this, the above two unqualified Rangers were wrongly stated to have commenced their probation then. On the other hand, Sri. V.Madhava Menon and myself were the two Rangers who were also selected and had passed in the required tests then, but, both of us were not appointed at that time. At the most, the appointment of Sri. F.B. Sunders and Sri. M.D'Souza should be a "Temperary" one as per Rule 10 (a) (1) (1), and Rule 10 (a) Sub clause (iv). Their appointment as Probatooners is irregular as per Rule 16 (a) and Rule 19 of the Government order No. 2687 Public (Services) till they qualified themselves for commencing their probation as Assistant Conservator of Forests by passing the prescribed tests mentioned above.

5. Sri. M.D'Souza got fully qualified in January 1954 and his probation should start only from then eventhough his first appointment itself at the firet stage in 1947 was irregular and contradictory to the rules as contemplated under the special rules for the Madras Forest Service (i.e., the amendment to Section 12 of Part III-A of the Service rules in Volume II of the Madras Service Manual, 1942, Rules 4 and 7.) saying that on and from 4.5.1946 no person shall be eligible for appointment as Assistant Conservator Of Forests by transfer unless he has passed the Account Test for Executive Officers and Forest ~~Law~~ Revenue.

6. Sri. F.B.Kunders has not passed the above two prescribed tests till this date even to justify his promotion to Assistant Conservator's cadre in 194 - not to speak of his being kept as a probationer in this category.

7. Though I was an, "Approved Candidate", as per Rule 2 (2) of the above Government Order ~~and having passed the required tests~~ and having been selected by Madras Services Commission for promotion as Assistant Conservator Of Forests in the year 1946 along with Sri. F.B.Kunders and Sri. M.D'Souza,, I was not given the chance to act as Assistant Conservator of Forests till August 1950. As the above two unqualified Rangers were wrongly promoted and appointed as probationers in the category of Assistant Conservator of Forests earlier to me I was placed junior to them in the classified list of Gazetted Officers of the Department, and, consequently, I was reverted for more than once when these two unqualified Rangers were acting as Assistant Conservators for the mere reson that I was given the chance to act as Assistant Conservator only at a later ~~xxx~~ date.

8. The appointment of Sri. F.B.Kunders and Sri. M.D'Souza as Assistant Conservator of Forests in 1947 prior to getting themselves qualified in the above tests will , therefore, be, "Temperary Appointment"only under Rule 10 (a)(i) (1), Rule 10 (a) Sub clause (iv), Rule 16 (a) and Rule 19 of the Government Order quoted above to determine and fix the "Seniority" as contemplated under Rule 35 of the Government Order

9. My probation as Assistant Conservator of Forests was declared to have been satisfactorily completed on the afternoon of 19.5.1943. (Vide G.O.No. 2789 Agriculture dated 7.9.1954.)

10. In fine, Sir, I beg to submit that I consider that injustice has been done to me by giving

chance to me to act as Assistant Conservator of Forests much later than the above two unqualified Rangers though I was fully qualified much earlier to them. Therefore, I request that justice may please be done to me and the place I am entitled to and my "Seniority" in the classified list of officers be given to me by placing me above these two officers Viz. Sri. F.E. Flunders and Sri. M.D. Souza.

Yours faithfully,

15.12.54

Assistant Conservator of Forests,
South Kanara Division, Mangalore.

Mangalore,
15.12.'54.

Copy submitted to the Chief Secretary to the Government of Madras, Madras.

N.Dis. No. 27266/54 M dated 20-12-1954.
submitted through the
Conservator of Forests, Madras.

Conservator of Forests,
Ootacamund Circle, Ootacamund.

21/12/54

21.12.54

C.F. 32(—73,13,348—25-1-54.

adras Forest Department

From (Name) Sri S.K. Bassu, I.F.S.,

Designation Chief Conservator of Forests,

Station Chepauk, Madras.5.

Received Registered

To

The Secretary to Government,
Agriculture Department,
Fort St. George, Madras.9.

ROUTED TO ASSISTANT SECRETARY
SR, 1 JAN 1955
AGRICULTURE DEPARTMENT

Enclosures

Ref. No. 37 /54.B3, dated 15th January 1955.

5152

Sub: GAZETTED OFFICERS - Forest Department - Sri E. Jacob, Officiating Assistant Conservator of Forests - refixation of Seniority - request -

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I submit herewith the petition dated 15-12-1954 from Sri E. Jacob, Officiating Assistant Conservator of Forests, South Kanara Division addressed to the Chief Secretary to Government in original.

2) The Officer has already submitted a similar petition addressed to the Secretary to Government, Agriculture Department on 14-9-1954 and it was rejected in Government Memorandum No. 116076 CIII/54.3 Agriculture dated 22-11-1954. Presumably the present petition is a further representation to the Chief Secretary to Government against the above orders of Government.

3) In the present petition the Officer states that the appointments of Sri F.B. Kunders and Sri Marcel D'Souza as Assistant Conservator of Forests in 1947 before they passed (1) the Account Test for Executive Officers and (2) the Forest Revenue, are contrary to the Service Conditions.

4) Rule 4 (2) of the Special Rules for the Madras Forest Service, amended in G.O. Ms. No. 5433 Development dated 25-12-1944 lays down as under:-

"On and from 5-5-1946, no person shall be eligible for appointment by transfer as Assistant Conservator of Forests unless he has passed the Account Test for Executive Officers"

This rule was relaxed in favour of six Officers including Sri F.B. Kunders and Sri Marcel D'Souza so as to enable their regular appointment by transfer as Assistant Conservators of Forests, in G.O. Ms. No. 1205 Development dated 17-3-1953. Hence their appointments as Assistant Conservators of Forests were not irregular.

Further Rule 7 (1) (b) of the Special Rules for the Madras Forest Service, amended in G.O. Ms. No. 5433 Development dated 25-12-1944 states that a Probationary Assistant Conservator of Forests recruited by transfer has to pass the Departmental Tests in Law, Land Revenue and Procedure and Accounts within the period of probation. According to this rule, unless an Assistant Conservator of Forests recruited by transfer passes, the above departmental tests during the period of probation, he would not be declared to have satisfactorily completed his probation in the Category of Assistant Conservators of Forests.

p.t.o.

The failure to pass the above departmental tests has nothing to do with the regular appointment by transfer as Assistant Conservator of Forests of Sri F.B. Kunders and Sri Marcel D' Souza as contended by the petitioner as the question of passing the departmental tests arises only after their regular appointment as Assistant Conservator of Forests.

for Chief Conservator of Forests.

Encl: Petition in original.

NSR. 19-1-55.

7

Agri(Cm)

Memo No. 5052 CIV/55-2 dt 29.3.55

Subj:- Gazetted officers – Forest Deptt –
-- Sri E. Jacob, Asst Consr of Forests
Refixing of seniority.

Ref:- From the CCF letter No. 37611/54B3
dt 15.1.55

The petition is rejected. The CCF is requested to inform the petitioner accordingly.

18.2.55

21.2.55

26.2.55

To
The CCF

CENTRAL DESPATCH BRANCH
Date 1955

Note file

Agriculture (C.III) Dept.

Sub: Gazetted Officers - Forest Dept. - Sri E.Jacob Asst.Consr.of Forests - Refixing of seniority.

Ref: From the C.C.F., letter No. 37611/54-B3, dated 15-1-55.

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f.25 CF

The petition from Sri E. Jacob, Asst.Consr. of Forests, on pp. 1-4 c.f. and the letter of the C.C.F. on pp. 5-6 c.f. may be perused.

2. In the petition Sri Jacob has stated that the appointments of Sri F.B. Kunders and Sri Marcel D'Souza as Asst.Consr. of Forests before they passed (1) Account test for executive officers and (2) Test in Forest Revenue, are contrary to the service conditions, and that his seniority may be refixed.

3. Submitted that this officer submitted a similar petition and it was rejected by Govt. in November 1954 - Please see the notes and orders on pp. 1-3 n.f. (N). The present ~~xx~~ petition is addressed to the Chief Secretary.

4. No new point has been made out in the present petition and there seems to be no ground for reconsidering the orders already passed.

5. For orders whether the petition will be rejected. Public (Ser.) may see.

8/7.2.55 7255

In his letter forwarding the petition the C.C.F. has explained how the petitioner has no case at all. No new points have been urged. Petition may be informed that this petition is rejected.

9255 10/2/55

ASSISTANT SECRETARY TO GOVERNMENT 653 12 FEB 1955 CHIEF SECRETARIAT

Agri 210 No. SD 52 C III/53-1

10.2.55

Public (Ser B) Dept

May be perused and the file returned to Agri.

FIRST ASSISTANT SECRETARY 12254 15 FEB 1955 AGRICULTURE DEPARTMENT

Pub(Ser B) No. 653/55-1

14.2.55

12.2.55

1/2/55

Agri (CM)

Note of Pub (Sec) on p1 ante may be perused.

2. With ref X on p1 ante a draft memo to the CCF is submitted below for approval.

S
18.2.55

Draft may be approved

Pd
21/2/55

In view of A on p1 above Gn does not appear necessary.

G
26/2/55

S

One of the requests of the Petitioner is that he should have been given an acting chance before the two others referred to by him, and that he should not have been rejected. Ergo, he claims that as he is qualified he should be put above the two others referred to by him in the list. Is there any thing in these points?

A

B

H.
28 Feb 55.

A above

Appointments to the category of Asst. Conservators of Forests are made from a list of approved candidates prepared in consultation with the ~~Govt~~ Comm^n. The petitioner was placed below the two others referred to by him viz Sri Kunders and Sri Marcel D'Souza in the list and therefore the pet^r (Sri Jacob) cannot be appointed, earlier than his seniors in the list.

X p19 CF (K)
Govt No 15E3 Dem 16-4-1946

✓ See letter p22 CF (K)
X

B on p2 above

..... Sri Jacob claims that he was qualified for appointment, while the two others were not. The position is as follows:-

under an amendment to the Madras Forest Service Rules, on and from 5.5.46, no person will be eligible for appointment as Asst. Conservator unless he has passed the Account test for Executive Officers. If a person is as 45 years of age on or before that date, he is not required to pass the test. This The Govt considered that persons who were already in the approved list on or before 5.5.46 also need not pass the test and relevant rules were relaxed in their favour. Accordingly, rules were relaxed in favour of Sri Kunder and Manuel D'Souza also. As rules were relaxed in their favour, the contention of the petr, that these officers were not qualified is not acceptable. Attention is in this connection invited to the papers in flag (TT).

Mp 11-12 CF (TT)

R 7.4.55

Reversion of probationers Officers is governed by Rule 8 of the General Rules and the attention of the C.F has already been drawn to this rules.

C. See para 2 | p7CF (N)

..... Sri Jacob's petition was examined in detail and rejected only in November 54. The present petition is addressed to the Chief Secy... As there are

(N)

a points in the present petition, it is proposed to reject it. Both (Sec) have agreed ... For orders.

16.3.55.
24.3.55

26.3.55

5

~~26.3.55~~

Cl.

pl put up & in suppt & X

pp cl + al (K)

26.3.55

The papers were called for from HC & need only books,

26.3.55